

IC 34-52

ARTICLE 52. COSTS

IC 34-52-1

Chapter 1. Recovery of Costs by A Party

IC 34-52-1-1

General recovery rule

Sec. 1. (a) In all civil actions, the party recovering judgment shall recover costs, except in those cases in which a different provision is made by law.

(b) In any civil action, the court may award attorney's fees as part of the cost to the prevailing party, if the court finds that either party:

- (1) brought the action or defense on a claim or defense that is frivolous, unreasonable, or groundless;
- (2) continued to litigate the action or defense after the party's claim or defense clearly became frivolous, unreasonable, or groundless; or
- (3) litigated the action in bad faith.

(c) The award of fees under subsection (b) does not prevent a prevailing party from bringing an action against another party for abuse of process arising in any part on the same facts. However, the prevailing party may not recover the same attorney's fees twice.

As added by P.L.1-1998, SEC.48.

IC 34-52-1-2

Actions for money demands on contract; recoveries less than \$50

Sec. 2. (a) This section applies to actions for money demands on contract, commenced in the circuit or superior courts.

(b) Except as provided in subsection (d), if the plaintiff recovers less than fifty dollars (\$50) exclusive of costs, the plaintiff shall pay costs, unless the judgment has been reduced below fifty dollars (\$50) by a set-off, or counter-claim, pleaded and proved by the defendant, in which case the party recovering judgment shall recover costs.

(c) Except as provided in subsection (d), if the judgment is reduced below fifty dollars (\$50) by proof of payments, the defendant shall recover costs.

(d) If one (1) or more defendants, necessary to a full determination of the cause:

- (1) are nonresidents of the county in which the suit is brought but are residents of the state of Indiana; and
- (2) have been served with process in the action;

the plaintiff shall recover costs even though the judgment recovered by plaintiff is less than fifty dollars (\$50).

As added by P.L.1-1998, SEC.48.

IC 34-52-1-3

Actions for damages; recoveries less than \$5

Sec. 3. In all actions for damages solely, not arising out of contract, if the plaintiff does not recover five dollars (\$5) in

damages, the plaintiff shall not recover more costs than damages, except:

- (1) in actions for injuries to character and false imprisonment; and
- (2) where the title to real estate is in question.

As added by P.L.1-1998, SEC.48.

IC 34-52-1-4

Relators and persons for whom action is brought; sharing in costs

Sec. 4. (a) Except as provided in subsections (b) and (c), relators, persons, and corporations for whose use an action is brought, whether such use is shown by the pleadings of the plaintiff or defendant, are liable for costs jointly with the actual parties to the action.

(b) Except as provided in subsection (c), when the state is plaintiff, the relator only is liable, and judgment for costs shall be rendered accordingly.

(c) When a state officer or prosecuting attorney, by virtue of his or her office, is a relator for the state of Indiana, the relator is not liable for costs.

As added by P.L.1-1998, SEC.48.

IC 34-52-1-5

Apportionment of cost among several plaintiffs or several defendants

Sec. 5. In actions where there are several plaintiffs or several defendants, the costs shall be apportioned according to the judgment rendered. Where there are several causes of action embraced in the same complaint, or several issues, the plaintiff shall recover costs upon the issues determined in the plaintiff's favor, and the defendant shall recover costs upon the issues determined in the defendant's favor.

As added by P.L.1-1998, SEC.48.

IC 34-52-1-6

Splitting cause of actions; one recovery for costs

Sec. 6. When the plaintiff, at the same court, brings several actions against the defendant upon demands which could have been joined in one (1) action, the plaintiff shall recover costs only in one (1) action, unless:

- (1) it appears to the court that the actions affect different rights or interests; or
- (2) other sufficient reasons exist why the several demands should not have been joined in one (1) action.

As added by P.L.1-1998, SEC.48.

IC 34-52-1-7

Judgment for cost before final judgment

Sec. 7. Whenever, in any action an order is made for the payment of costs, at any time before final judgment, the court shall, upon

motion of any interested person, render judgment for the costs in favor of the party entitled to receive costs.

As added by P.L.1-1998, SEC.48.

IC 34-52-1-8

Fee bills and executions for collection of costs

Sec. 8. Fee bills and executions may issue for the collection of costs in the proper cases against:

- (1) parties to the action;
- (2) relators;
- (3) persons for whose use an action is brought; and
- (4) sureties on undertakings for the payment of costs.

As added by P.L.1-1998, SEC.48.

IC 34-52-1-9

Attachment of lands; recoveries less than \$50

Sec. 9. In all cases where lands are attached and judgment rendered in favor of the plaintiff in the circuit court, in which the sum claimed, or the judgment rendered is less than fifty dollars (\$50), the plaintiff shall recover costs if the attachment against the land is sustained by the court.

As added by P.L.1-1998, SEC.48.